

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHARLES J. GOLDBLUM,)	
)	Civil Action No. 04 - 520
Petitioner,)	
)	Judge Arthur J. Schwab /
vs.)	Magistrate Judge Lisa Pupo Lenihan
)	
EDWARD KLEM, Superintendent,)	
SCI Mahanoy; DISTRICT ATTORNEY)	
OF ALLEGHENY COUNTY,)	
PENNSYLVANIA; and THE ATTORNEY)	
GENERAL OF THE COMMONWEALTH)	
OF PENNSYLVANIA,)	
)	
Respondents.)	

ORDER

The above captioned Petition was received by the Clerk of Court on April 2, 2004, and was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The case was transferred to Magistrate Judge Lisa Pupo Lenihan on April 12, 2004.

The magistrate judge's Report and Recommendation (Doc. No. 37), filed on October 28, 2005, recommended that the petition for writ of habeas corpus be dismissed and that a certificate of appealability be denied. Service was made on all counsel of record and they were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (c), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. After being granted an extension of time, Petitioner filed objections to the report and recommendation on November 25,

2005. Respondents have not filed a response to the objections. After review of the pleadings and the documents in the case, together with the report and recommendation and objections thereto, the following order is entered:

AND NOW, this 13th day of December, 2005;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DISMISSED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 37) of Magistrate Judge Lenihan, dated October 28, 2005, is adopted as the opinion of the court.

s/Arthur J. Schwab

Arthur J. Schwab
U.S. District Judge

cc: Lee Markovitz
 1220 Grant Building
 Pittsburgh, PA 15219

Chris Rand Eyster
100 Ross Street
Suite 304
Pittsburgh, PA 15219-2013

Ronald M. Wabby, Jr.
Office of the District Attorney
401 Allegheny County Courthouse
Pittsburgh, PA 15219